

Attorney Docket No.: 990630/HG

**IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE**

Applicant : Toshiya KITAMURA  
Serial No. : 09/413,984  
Filed : October 7, 1999  
For : NEGATIVE ELECTRODE ACTIVE  
MATERIAL FOR USE IN  
ALKALINE CELL AND METHOD  
OF PREPARING THE SAME

Art Unit : 1745

Examiner : T. Dove

Confirmation No.: 2673

**TRANSMITTAL OF TERMINAL  
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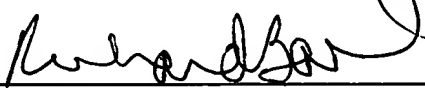
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S I R :

Please record the enclosed TERMINAL DISCLAIMER which  
identifies Patent No. 6,461,768.

Please apply the enclosed check in the amount of \$110.00 in  
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Respectfully submitted

  
RICHARD S. BARTH  
REG. NO. 28,180

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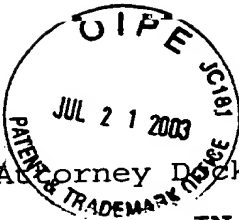
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**TERMINAL DISCLAIMER**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R :

The owner of a 100% interest in the above-identified  
present application, namely the Assignee of record:

Assignee: DOWA MINING CO., LTD.

Assignment recorded on: October 7, 1999

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hereby disclaims, except as provided below, the terminal part  
of the statutory term of any patent granted on the above-  
identified present application which extends beyond the full  
statutory term defined in 35 USC 154 to 156 of the following  
commonly owned patent:

Patent No.: 6,561,768

Issue Date: October 8, 2002

Filing Date: April 3, 2000

Any patent granted on the above-identified present application shall be enforceable only for and during such period that the patent granted on the above-identified present application is commonly owned with said commonly owned patent.

This Agreement is to run with any patent granted on the above-identified present application and is to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, there is no disclaimer of the terminal part of any patent granted on the above-identified present application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 of said commonly owned patent in the event that said commonly owned patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a Court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 35 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued or is in any manner terminated prior to the expiration of its full statutory term.

The undersigned is an attorney of record in the above-identified patent application.

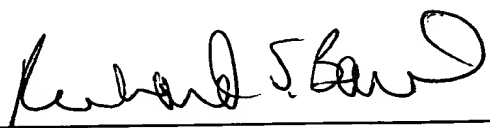
The undersigned has the authority to sign this TERMINAL DISCLAIMER on behalf of the Assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable

by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: July 21, 2003

By:

  
Richard S. Barth  
Reg. No. 28,180